

REMARKS

The Office Action alleges that the present application contains inventions or groups of inventions which are not linked by a single general inventive concept under PCT Rules 13.1 and 13.2 as shown by U.S. Patent Application Publication No. 2002/0099467 to Sleep, et al. (hereinafter "Sleep"). Applicants hereby, with traverse, provisionally elect Group I, including claims 1 and 74-82.

The present application describes an automated pharmaceutical dispensing system to apply a label to a pharmaceutical pack based upon the dimension of the pack.

Regarding claims 1, 82, 89, 98, 107, and 121, and their corresponding dependent claims, applicants respectfully submit that Sleep fails to disclose a means for applying a label which can alter the way in which a label is applied depending on the dimensions of the pack to be labeled. Sleep does not disclose a single labeling station which adapts to differently sized packs. In contrast, Sleep addresses the problem of labeling differently sized packs by routing differently sized bottles to separate line branches for labeling. A different labeler is used specifically for each different bottle size. Sleep describes a pre-labeler puck handling station (PHS) that determines the size of the bottle carried by each puck and **routes the bottles accordingly to a specific labeler**. (see Sleep, paragraph [0066]). Sleep does not disclose that the labelers alter their labeling operation in any way depending on the dimensions of the pack to be labeled. Furthermore, in regard to claim 115, Sleep fails to disclose a labeling station for

applying a label to a pack in an orientation dependent upon a determined dimension.

Similarly, regarding claims 84, 87, 97, 117, and 120, and their dependent claims, Sleep fails to disclose determining how to apply a label to a pack dependent on said pack dimension and giving instructions to a labeling station, said instructions including how a label applicator is to apply a label to a pack. Sleep describes routing bottles to labelers that each have predetermined operations corresponding to a single bottle size, not giving instructions on how a label applicator is to apply a label to pack dependent upon pack dimension.

With respect to claim 88, applicants respectfully submit that claim 88 refers to “application of a particular label thereto.” (emphasis added).

CONCLUSION

Applicants respectfully submit that the Restriction Requirement has been traversed. Nevertheless, applicants reserve the right to file one or more divisional patent applications directed to claims that encompass the unelected groups of claims.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,
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